

### **REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-8 and 10-38 are now pending. Claim 10-12 stand withdrawn from consideration as directed to non-elected invention(s). Claims 13-15 are allowed.

The Examiner indicated that claims 22-26 contain allowable subject matter. Claim 22 has been rewritten in independent form above so that claim 22 and claims 23-26 dependent thereon, should all now be allowed.

Each of claims 1, 8, 16 and 17 has been amended above to provide that a case surrounds the fuel pump, that the grounding terminal is provided on a lateral side of the case, and that the grounding terminal is located on a side of a bottom surface of the sub tank with respect to a central axis of the case. This characteristic structure of the invention is understood from Figures 1 and 2 and the specification in particular at page 7, line 16 – page 8, line 3. By providing a grounding terminal as claimed, and located on the sub tank bottom surface side of the central axis of the case, the grounding terminal 56 can potentially be maintained submerged in fuel even when the fuel level decreases in sub tank 20. This reduces the chance that the grounding terminal 56 will cause electrostatic charge due to exposure to the atmosphere within the sub tank 20.

Claims 1, 16 and 17 were rejected under 35 USC 103(a) as allegedly being unpatentable over Umetsu in view of Farrar. Applicant respectfully traverses this rejection.

Indeed, Umetsu and Farrar do not teach or suggest the provision of a grounding terminal on a lateral side of a case that surrounds the fuel pump and on the sub tank bottom surface side of the central axis of the horizontally disposed case. It is therefore

respectfully submitted that claims 1, 16 and 17 are not anticipated by nor obvious from Umetsu taken alone or in combination with Farrar.

Claims 2-4 and 8 were rejected under 35 USC 103 as being unpatentable over Umetsu in view of Farrar and Gilmour. These claims are submitted to be patentable over Umetsu and Farrar for the reasons advanced above. Indeed, neither Umetsu nor Farrar teach or suggest the provision of a case and a grounding terminal on a lateral side of the case as recited in applicant's independent claims 1, 8, 16 and 17. It is therefore respectfully submitted that even if Umetsu could be combined with Farrar and/or Gilmour, the invention of applicant's independent claims 1, 8, 16 and 17 would still not be anticipated nor obvious.


Claims 5-6 were rejected under 35 USC 103 as being unpatentable over Umetsu, Farrar and Gilmour and further in view of Nagata and claim 7 was rejected as unpatentable over Umetsu, Farrar and Gilmour and further in view of Japan '840. Further, claims 18-21 and 27-30 were rejected under 35 USC 103(a) as being unpatentable over Umetsu, Farrar and Gilmour and further in view of Kleppner. Each of the above-noted claims is submitted to be patentable over Umetsu, Farrar and Gilmour for reasons advanced above. Indeed, these references do not alone or in combination teach, in the combination claimed, a case surrounding the fuel pump and a grounding terminal located on a lateral side of the case, on the sub tank bottom surface side of the case central axis. Therefore, even if the prior art could be combined in the manner the Examiner suggests, the invention claimed would still not be anticipated nor obvious.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,

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